

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	James K. Vanderveen	Art Unit:	2644
Serial No.:	09/814227	Examiner:	Laura A. Grier
Filed:	March 21, 2001	Docket No.:	2000P09010US01
Title:	MOUNTING ASSEMBLY FOR ACTIVE NOISE ATTENUATION SYSTEM		

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

This petition is in response to the Notice of Abandonment mailed May 5, 2006. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for the reply in the Office notice or action plus extensions of time actually obtained. **As will be described below, it is believed that the application has become abandoned due to a USPTO error.**

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION

A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m)).
- ☒ Please charge my Deposit Account No. 19-2179 in the amount of \$1500.00.
- ☒ The Commissioner is authorized to deduct any underpayment from Deposit Account No. 19-2179. A duplicate of this letter is enclosed.

2. Reply and/or fees:

- A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

- B. The issue and publication fees total of \$1,700.00

☒ **Applicant respectfully petitions to take note that the Notice of Allowance and Fee Due dated December 21, 2005 was never received by Siemens. A search of our docket records indicates that the Office Communication was not received by Siemens. Attached is the following:**

☒ **A copy of the Siemens docket record where the nonreceived Office communication would have been entered had it been received. The missing docket record would have been between docket nos. 2001P87048WOUS due on June 14, 2006 and 2001P17894US01 due on July 4, 2006.**

It is believed that the application is abandoned due to a USPTO error. Therefore it is respectfully requested that the petition fee be refunded.

☐ is enclosed herewith.

☒ Please charge my Deposit Account No. 19-2179 in the amount of \$ 1,700.00

☒ The Commissioner is authorized to deduct any underpayment from Deposit Account No. 19-2179. A duplicate of this letter is enclosed.

3. Terminal disclaimer with disclaimer fee:

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith.

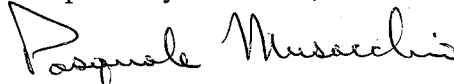
☐ Please charge my Deposit Account No. 19-2179 in the amount of _____.

☒ The Commissioner is authorized to deduct any underpayment from Deposit Account No. 19-2179. A duplicate of this letter is enclosed.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137 (b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

5. Fees: The Commissioner is hereby authorized to charge the above indicated fees and any additional fees that may be required to Deposit Account No. 19-2179. A duplicate of this paper is attached.

Respectfully submitted,



Pasquale Musacchio

Registration No. 36,876

Dated: JUNE 30, 2006

Enclosures: ☒ Copy of Issue Fee Payment: PART B – FEE(S) TRANSMITTAL
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ COPY OF SIEMENS DOCKET RECORD

Please direct all correspondence to:
Customer No. 028524
Siemens Corporation

Java-Resultlist for Deadlines

Number of results: 7

The following search String has been entered:

time limits selection: both

PIV of the file: with pcm

further time limits: US-ALL3

DUE DATE FOR 2000P09010 US01
(S/N 09/814227) WOULD HAVE
BEEN LISTED HERE

Refresh

DUE DATE: JUNE 21, 2006

Selection for updated display:

Date of Deadline	Internal File Number	<input checked="" type="checkbox"/> further time limits	<input checked="" type="checkbox"/> Text of Notice/ Trigger date/ Commentary	<input checked="" type="checkbox"/> Additional information from file	<input checked="" type="checkbox"/> Checked/ Change	<input checked="" type="checkbox"/> Cost Center	<input checked="" type="checkbox"/> Inventor	<input checked="" type="checkbox"/> Title
04.05.2006	2005P12713 US	US-ALL3	US - Allowance - Issue Fee Due - Final Date / 02.07.2006 /			S-US 5002	Harshman James P., Hunniford David J., Morano David L.	METHODS AND APPARATUS FOR REDUCING NITRATE DEMANDS IN THE REDUCTION OF DISSOLVED AND/OR ATMOSPHERIC SULFIDES IN WASTEWATER
04.12.2006	2002P13157 US01	US-ALL3	US - Allowance - Issue Fee Due - Final Date / 01.20.2006 /			S-US 7802	Negrut Vlad, Vanderveen James Kenneth	Air Cleaner, Valve Cover and Intake Manifold Assembly
06.14.2006	2001P87048WOUS	US-ALL3	US - Allowance - Issue Fee Due - Final Date / 03.22.2006 /			S-US 5050	Muller Joachim, Mullette Daniel	Membrane Polymer Compositions
07.04.2006	2001P17894 US01	US-ALL3	US - Allowance - Issue Fee Due - Final Date / 04.10.2006 /			S-US 7802	Cole Roderic, Letourneau Mark, Pettipiece Jason Lorne	Induction System With Low Pass Filter For Turbo Charger Applications
07.06.2006	2005P04734 US	US-ALL3	US - Allowance - Issue Fee Due - Final Date / 04.11.2006 /			S-US 7802	Lee Ki-Ho, Vanderveen James Kenneth	Intake manifold having integrated features
08.02.2006	2003P86281 US	US-ALL3	US - Allowance - Issue Fee Due - Final Date / 06.05.2006 /			S-US 5045	Graham James R.	ACTIVATED CARBON FOR ODOR CONTROL AND METHOD FOR MAKING SAME
09.12.2006	2002P07889 US01	US-ALL3	US - Allowance - Issue Fee Due - Final			S-US 7802	Daly Paul Desmond	Active Noise Control For Vehicle Door

		RELS	Date / 06.15.2006 /			POST	DESCRIPTION	Noise
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<input type="checkbox"/>	TCLAIM4	Immediate Grants for Translation of Amended Claims (with reference to 96(2) EPC)	Subsequent Application	To Do
<input type="checkbox"/>	TESTBCH	TESTBCH	Official Deadlines	time limits
<input type="checkbox"/>	TRANRET	Translation received	Subsequent Application	To Do
<input type="checkbox"/>	US-2OA2	US - 2 months Office Action 2 mos.	Official Deadlines	time limits
<input type="checkbox"/>	US-2OA3	US - 2 months Office Action 2 mos. + 1 mo.ext.	Official Deadlines	time limits
<input type="checkbox"/>	US-2OA4	US - 2 months Office Action 2 mos. + 2 mo.ext.	Official Deadlines	time limits
<input type="checkbox"/>	US-2OA5	US - 2 months Office Action 2 mos. + 3 mo.ext.	Official Deadlines	time limits
<input type="checkbox"/>	US-2OA6	US - 2 months Office Action 2 mos. + 4 mo.ext. - 6 mos. Final Date	Official Deadlines	time limits
<input type="checkbox"/>	US-3OA3	US - 3 months Office Action 3 mos.	Official Deadlines	time limits
<input type="checkbox"/>	US-3OA4	US - 3 months Office Action 3 mos. + 1 mo.ext.	Official Deadlines	time limits
<input type="checkbox"/>	US-3OA5	US - 3 months Office Action 3 mos. + 2 mo.ext.	Official Deadlines	time limits
<input type="checkbox"/>	US-3OA6	US - 3 months Office Action 3 mos. + 3 mo.ext. - 6 mos. Final Date	Official Deadlines	time limits
<input type="checkbox"/>	US-ADVI	US - Advisory Action received	Official Deadlines	time limits
<input type="checkbox"/>	US-ALL1	US - Allowance - Issue Fee Due in 2 mos.	Official Deadlines	time limits
<input type="checkbox"/>	US-ALL2	US - Allowance - Issue Fee Due in 1 mo.	Official Deadlines	time limits
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<input type="checkbox"/>	US-ALY2	US - Allowability 2 mos. Drawing	Official Deadlines	time limits
<input type="checkbox"/>	US-ALY3	US - Allowability 3 mos. Drawing/Formality	Official Deadlines	time limits
<input type="checkbox"/>	US-AMEN	US - Preliminary Amendment	Official Deadlines	time limits
<input type="checkbox"/>	US-APL2	US - Appeal Brief 2 mos.	Official Deadlines	time limits
<input type="checkbox"/>	US-APL3	US - Appeal Brief 2 mos. + 1 mo.ext.	Official Deadlines	time limits
<input type="checkbox"/>	US-APL4	US - Appeal Brief 2 mos. + 2 mos.ext.	Official Deadlines	time limits
<input type="checkbox"/>	US-APL5	US - Appeal Brief 2 mos. + 3 mos.ext.	Official Deadlines	time limits
<input type="checkbox"/>	US-APL6	US - Appeal Brief 2 mos. + 4 mos.ext.	Official Deadlines	time limits
<input type="checkbox"/>	US-APPL	US - Invention Disclosure: Application Planned Until	Deadlines for Making	time limits
<input type="checkbox"/>	US-ASGN	US - Assignment: All Assignments enclosed?	Official Deadlines	time limits
<input type="checkbox"/>	US-CHEC	US - Status Check	Other	To Do
<input type="checkbox"/>	US-CONT	US - Continuation: File Continuation?	Deadlines for	To Do